

MINUTES
VILLAGE OF LAKE PARK COUNCIL MEETING
3801 LAKE PARK ROAD, LAKE PARK, NC
REGULAR SESSION – 7:00 P.M.
SEPTEMBER 9, 2008

ATTENDING: Mayor Kendall Spence
Mayor Pro-Tem: Sandy Coughlin
Council Members: Greg Crosby, Virginia Currence,
Jo Waybright, Clint Newton
Finance Officer – Cheryl Bennett
Village Clerk/Tax Collector – Cheri Clark
Attorney Ken Swain

CALL TO ORDER: Mayor Kendall Spence called the Regular Session of the Village of Lake Park Council to order.

PLEDGE OF ALLEGIANCE: Mayor Kendall Spence led the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES: Virginia Currence made the motion to approve the August 12, 2008 Regular Session minutes. Clint Newton seconded the motion. Vote – Unanimous.

PUBLIC COMMENT:

Janet Bacik discussed the negative impact of allowing Metrolina Christian Academy to utilize the tennis courts every Monday from 3 to 5 until mid November. If the courts are reserved, then the residents have only limited access.

Chuck and Garland Denny requested that the VOLP support a resolution to implement a new government bond, stamp and/or coin program to support our veterans in need. The new bill would provide the opportunity for better healthcare for veterans without increasing taxes. After discussion, Council requested a resolution be drawn up for the October meeting.

CHANGES TO THE AGENDA: No changes to the agenda.

SECURITY: The new VOLP deputy, Richard Haywood was introduced to Council. Thirty eight cars received warning letters concerning parking violations within the Village limits. The parking ordinance needs to be modified to address different street widths. There is a parking space on Creft Circle in front of a fire hydrant that needs to be marked no parking and the curfew ordinance has a typo that also needs to be corrected.

Code Enforcement Officer – authority can be conferred to an individual by Council to enforce VOLP ordinances such as parking, curfew, and fishing. Council raised the question concerning the consolidation of some of the HOA and VOLP ordinances. Ken Swain stated that the VOLP does not have the same authority as a private entity. An HOA has discretionary policies and government is supposed to be black and white. There are some

issues that could be handled with a zoning ordinance and zoning board and others that a private entity would have to address. To create such an infrastructure would not be an inexpensive process. As far as a way to establish some governmental control on private property, a minimum housing ordinance could be drafted. Ken Swain will send to Council a proposed minimum housing ordinance before next month. Council received an outline to review concerning a Code Enforcement Officer.

Talking Points Code Enforcement/Public Works and Community Appearance Commission

Village of Lake Park

Lake Park Covenants, Conditions and Restrictions

http://docs.google.com/View?docid=dc49wz6j_221f5nc5kgj

“(p) APPLICABLE REGULATIONS. Each Owner shall observe all governmental codes, health regulations, zoning restrictions and other regulations applicable to such Owner's Lot. In the event of any conflict between any provision of any such governmental code, regulation or restriction and any provision of this Declaration, the more restrictive provision shall apply.”

- I. Village
 - a. Ordinances
 - i. Monroe (online)
http://www.monroenc.org/neighborhoodServices_0.htm
 - 1. Public Health Nuisances
 - 2. Minimum Housing Standards
 - ii. Stallings (online) http://www.stallingsnc.org/index.asp?Type=B_DIR&SEC={19D2C3D9-0D2E-4BFD-9AB1-4C5AED177F47}&DE={B3A23496-4B6F-4805-8AA7-3271C4C4BF75}

http://www.stallingsnc.org/index.asp?Type=B_BASIC&SEC={EAFB9747-6826-4F31-A906-A92106F4A745}
 - 1. Public Health and Safety Matters: Public Nuisances
 - 2. Minimum Housing Code
 - 3. Landscaping and Tree Requirements
 - 4. Abandoned Vehicles
 - iii. Existing Lake Park Ordinances (online except stormwater)
<http://lakeparkinfo.blogspot.com/2007/12/documents.html>

<http://www.lakeparknc.gov/Home/VillageReferenceDesk/tabid/78/Default.aspx>
 - iv. Miscellaneous Internet Info Document (CClark has copy)
 - b. Position Descriptions
 - i. Monroe (CClark has copy)

1. Code Enforcement Coordinator
2. Code Enforcement Officer I
3. Code Enforcement Officer II
- ii. Internet
 1. Building and Grounds Maintenance Supervisor (C Clark has copy)
 2. Building and Grounds Maintenance Worker (C Clark has copy)
 3. Miscellaneous Internet Info Document (C Clark has copy)
- c. Notices (Violation Processing) See Monroe Ordinances for Process C Clark has copies of notices
 - i. Courtesy Notice (Monroe and Stallings Versions)
 - ii. Notice of Violation
 - iii. Notice to Abate and 1st Civil Citation
 - iv. 2nd Civil Citation
- d. Community Appearance Commission (Replace Architectural Control in HOA)

http://www.lakeparknc.com/villageoflakepark/document/request_form_instructions.docx?21067

http://www.lakeparknc.com/villageoflakepark/document/general_residential_guidelines.htm?2468

II. LPHOA

- a. CC&Rs http://docs.google.com/View?docid=dc49wz6j_221f5nc5kgj
- b. Bylaws http://docs.google.com/View?docid=dc49wz6j_3pnb5gdd
- c. General Architectural Guidelines
http://www.lakeparknc.com/villageoflakepark/document/general_residential_guidelines.htm?2468
- d. Fence Guidelines
http://www.lakeparknc.com/villageoflakepark/document/lake_park_fence_guidelines.htm?13495
- e. Violation Processing and Fines
http://www.lakeparknc.com/villageoflakepark/document/lake_park_hoa-fine_resolution.pdf?9739
- f. Convert Master HOA to Holding Company
 - i. Townhomes
 - ii. Condominiums
 - iii. Village Homes
 - iv. Landscaping Service Contracts –Garden District Type 1

III Miscellaneous

- a. Success Rates – 90% resolved with courtesy notice
- b. Problem Areas: rental properties
- c. Code Enforcement Skills – People Skills, Military, Law Enforcement
- d. Convert LPHOA Assessment to Tax Deductable Property Assessment

- e. LPHOA Budget \$140K 50% Landscape Contract \$70K operational
- f. Retain minimum contribution to keep Association viable but holding company only
plus Landscape contracts
- g. Village conducts all festivals

- IV Strategy – Two Path - Village and HOA
- a. Legal Advice – Yes/No and How To!
 - b. Discuss with Village Council – Resolution?
 - c. Discuss with LPHOA Board
 - d. Initial Budget \$30-50K annual – half time officer/public works plus some operational expenses –office supplies, issue notices, software, vehicle (rental),

NOTES:

FINANCE REPORT: Cheryl Bennett presented the financial statements for Council review. The VOLP received from Union County \$16,314.95 in addition to the sidewalk along the back of Fred Kirby Park as part of an original agreement between the County and the Mathisen Group.

August 2008 Budge Report

	<u>Aug 08</u>	<u>Jul - Aug 08</u>	<u>% of Budget</u>	<u>Annual Budget</u>
General Fund				
Revenues				
Other revenues				
Payment Kirby park sidewalk	16,314.95	16,314.95		
Approp. Fund Balance	0.00	0.00	0.0%	52,122.00
National Night Out	0.00	320.00	6.54%	4,890.00
Civil Penalties	0.00	0.00	0.0%	200.00
Investment revenue	0.00	4,320.49	20.57%	21,000.00
Miscellaneous	1,129.00	1,129.00	188.17%	600.00
Total Other revenues	<u>17,443.95</u>	<u>22,084.44</u>	<u>28.02%</u>	<u>78,812.00</u>
Other Taxes				
Cable franchise-from Time Warne	0.00	0.00	0.0%	2,800.00
Total Other Taxes	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>	<u>2,800.00</u>
Parks & Recreation Revenue				
Recreation Program Fees	6.00	854.70	427.35%	200.00

Community Center rental	365.00	615.00	21.96%	2,800.00
Gazebo rental	0.00	0.00	0.0%	400.00
Recreation concession sales	0.00	0.00	0.0%	800.00
Recreation daily swim fees	1,437.84	3,433.34	55.38%	6,200.00
Recreation season pass fees	0.00	2,027.00	4.05%	50,000.00
Total Parks & Recreation Revenue	1,808.84	6,930.04	11.47%	60,400.00
Property Taxes				
Ad valorem current year	0.00	0.00	0.0%	477,784.00
Ad valorem prior years	1,404.12	2,997.35	71.37%	4,200.00
Late fees (ad)	0.00	54.19	58.9%	92.00
Motor vehicle tax	5,275.91	5,275.91	10.34%	51,010.00
Penalties and interest	221.58	366.85	29.35%	1,250.00
Utility ad valorem	0.00	0.00	0.0%	7,000.00
Total Property Taxes	6,901.61	8,694.30	1.61%	541,336.00
State Shared Revenues				
Cable Rev. (from State)	0.00	0.00	0.0%	18,000.00
Sales and use tax	0.00	0.00	0.0%	190,000.00
Utility franchise	0.00	0.00	0.0%	72,000.00
Total State Shared Revenues	0.00	0.00	0.0%	280,000.00
Total Revenues	26,154.40	37,708.78	3.91%	963,348.00
Expense				
Capital Outlay				
Capital Outlay Exp.	1,100.00	1,100.00	11.0%	10,000.00
Reserve for Capital Replacement	0.00	0.00	0.0%	10,000.00
Total Capital Outlay	1,100.00	1,100.00	5.5%	20,000.00
General Administrative Expenses				
Adm Assistant	0.00	144.00	24.0%	600.00
Clerk/Tax Collector	3,565.42	7,130.84	16.67%	42,785.00
Council	0.00	0.00	0.0%	11,000.00
Finance Officer	855.83	1,711.66	16.67%	10,270.00
Mayor	0.00	0.00	0.0%	3,000.00
Payroll Expenses	338.22	687.44	12.73%	5,400.00
Total General Administrative Expenses	4,759.47	9,673.94	13.24%	73,055.00
Maintenance of Common Areas				
Landscaping	10,800.00	21,600.00	13.09%	165,000.00
Park maintenance	3,538.33	3,929.93	11.73%	33,500.00

Pond maintenance	0.00	0.00	0.0%	10,000.00
Total Maintenance of Common Areas	14,338.33	25,529.93	12.25%	208,500.00
Operating Costs				
Advertising	0.00	0.00	0.0%	400.00
Association dues	0.00	2,880.00	100.0%	2,880.00
Bank charges	0.00	0.00	0.0%	20.00
Elections	0.00	0.00	0.0%	800.00
Insurance/bonds	0.00	8,683.08	88.6%	9,800.00
Miscellaneous oper. exp.	0.00	0.00	0.0%	1,000.00
Newsletter/website/flyers	170.20	170.20	6.3%	2,700.00
Office	151.35	147.07	2.07%	7,100.00
Postage	50.58	50.58	16.86%	300.00
Tax collection	0.00	0.00	0.0%	900.00
Telephone	246.36	490.47	16.91%	2,900.00
Training	0.00	0.00	0.0%	800.00
Travel	0.00	0.00	0.0%	500.00
Total Operating Costs	618.49	12,421.40	41.27%	30,100.00
Other Expenditures				
Economic Development	650.00	650.00	26.0%	2,500.00
Contingency	0.00	0.00	0.0%	20,000.00
Stormwater Fee	0.00	0.00	0.0%	12,000.00
Total Other Expenditures	650.00	650.00	1.88%	34,500.00
Parks & Recreation				
Pool Operations	0.00	0.00	0.0%	1,000.00
Comm. center maintenance	1,257.92	1,257.92	13.98%	9,000.00
Seasonal Decorations	0.00	0.00	0.0%	12,000.00
Natural Gas	39.92	80.70	6.73%	1,200.00
Pool maintenance	1,184.98	1,184.98	12.47%	9,500.00
Pool management fee	0.00	9,242.00	19.71%	46,880.00
Events/Recreation programs	323.75	1,648.89	71.69%	2,300.00
Storage Rental	81.60	1,193.40	107.22%	1,113.00
Water/Sewer	245.98	584.18	19.47%	3,000.00
Total Parks & Recreation	3,134.15	15,192.07	17.67%	85,993.00
Professional Fees				
Engineering Fees	0.00	0.00	0.0%	2,500.00
Accountant	0.00	0.00	0.0%	4,200.00
Legal Counsel	0.00	0.00	0.0%	10,000.00
Total Professional Fees	0.00	0.00	0.0%	16,700.00

Public Services/Safety				
Street Signs	0.00	0.00	0.0%	3,500.00
National Night Out	1,220.00	1,220.00	17.43%	7,000.00
Community Watch	0.00	0.00	0.0%	1,000.00
Garbage collection	21,042.79	21,042.79	8.19%	257,000.00
Law enforcement	0.00	33,179.50	24.95%	133,000.00
Street Lights	8,246.71	16,264.29	17.49%	93,000.00
Total Public Services/Safety	30,509.50	71,706.58	14.5%	494,500.00
Total Expense	55,109.94	136,273.92	14.15%	963,348.00
Net excess of exp. Over Rev.	-28,955.54	-98,565.14	100.0%	0.00
Powell Bill				
Interest - Powell Funds	0.00	140.73		
Total Powell Bill revenue	0.00	140.73		
Other Expense				
Street Exp. - Powell Bill	92,913.97	93,032.97		
Total Powell Bill expense	92,913.97	93,032.97		
Net Powell Bill	-92,913.97	-92,892.24		
Net excess of exp. Over rev.	-121,869.51	191,457.38		0.00

TAX OFFICER'S REPORT: The tax bills have been mailed and 2008 tax payments are beginning to be deposited.

PUBLIC SERVICES (Waste Collection & Electric): Sandy Coughlin stated that the Vintage Condominiums will begin recycling in September. The cost to add recycling for the Vintage Condominiums will be \$3.14 per unit. Sandy Coughlin has reviewed and redlined for Council a proposed Solid Waste Ordinance to discuss in the future. Greg Crosby raised the question of the benefit of an ordinance vs. a policy. Ken Swain stated that an ordinance would provide a basis for enforcement if there was a violation. Sandy Coughlin stated that it would give the Village additional creditability with the State in Stormwater compliance and would also provide strength to the Village; it makes us a more attractive account when we put the service provider contract out to bid.

The VOLP adopted the 1997 Union County Comprehensive Solid Waste Management 10-year Plan in June 1997 but the Village has not heard of any County attempt to review or renew it.

Clint Newton stated that the basic meter fee went up \$5.00 in August. We do not know at this point when the electrical work around Veterans Pond will start.

COMMUNICATION: Greg Crosby asked that all articles for the next Villager be submitted by September 12th.

PARK AND RECREATION: Virginia Currence reported that the VOLP spent \$4,850 to remove the dead trees in the common areas through-out the village. The vandalism has been repaired at the Gazebo, Russell Park playground, Normandy castle and the clock tower. The fountains at the clock tower have been replaced however the water height is not the same due to the diameter of the pipes.

The geese have destroyed the pond banks therefore increasing the erosion around the ponds and as a temporary fix the banks will be seeded. Virginia Currence met with Mr. Simpson, the Union County Extension Services Director for ideas on how to address the banks. Virginia Currence requested Council approve \$500 to herd the geese. Jo Waybright seconded the motion. Under discussion the techniques of lasering and herding the geese were discussed. The vote was 4 to 1 with Sandy Coughlin voting no. There is a muskrat problem in the Alden/Conifer pond that is going to have to be addressed. The task force is working hard to address the pond issues and create long term strategies.

Jo Waybright reported that the wood trim on the new pool house has been wrapped with aluminum and is now maintenance free. The wading pool had to have a new motor and seal – cost \$550.00. Jo Waybright made the motion that Council approve the wading pool repair. Virginia Currence seconded the motion. Vote – Unanimous. Jonathan Meadows met with Jo Waybright and Cheri Clark to discuss the cracks in the tennis courts. The next time Mr. Meadows is in town, he will patch the courts. The work should happen prior to winter.

Mike Wienke has provided a quote to remove the old lights and electrical cords from 11 medium sized cedars at the main entrance, behind the pear trees - \$1,320.00. Remove all of the old lights and electrical cords from 2 large evergreens at the population sign - \$350.00 and remove existing lights from the large cedar, repair damaged lights and re-install the lights in a manner that will eliminate off-season vandalism by making lower section of tree (approx. 10-12') removable at season's end - \$570.00. A lift will need to be rented – approximate cost \$392.71. Total cost - \$2,632.71. Jo Waybright made the motion that Council approve \$2,632.71 to remove old lights. Sandy Coughlin seconded the motion. Vote – Unanimous.

Jo Waybright presented recommendations for an addition to the Lake Park Community Center.

LAKE PARK COMMUNITY CENTER

Recommendation for renovating and building addition to the Lake Park Community Center.

The village of Lake Park needs to provide adequate space for staff and our citizens.

We, the elected body, must accept this responsibility

Our office space has recently been re-aligned to try to provide more efficient conditions and storage space for records we are required by law to maintain.

Currently our town clerk, tax collector and facilities manager shares the office with our two deputies. There have been times when our town clerk has had to leave her desk so our deputies could meet with undercover officers working on a case in Lake Park. This is not efficient.

Our financial officer comes to pay bills or perform her other duties and again our clerk has to share her computer and office space.

Currently when the mayor comes to the office to sign papers, contracts and checks he stands at the service window. Again this is not adequate. We should provide space for our mayor to come into the town office and sit down at a desk to perform his responsibilities.

When our community center was built we were not a city. The Mathisen company built a community center, two small swimming pools, a tennis court and a volley ball court. We had approximately 200 houses. The Village was incorporated July 1, 1994. Today we have approximately 1200 residential units.

We have one restaurant, which seats 36 people. An office building with a doctor's office, a developer's office, a dry cleaners, an accountant, a therapist office, a mortgage company, a beauty salon, a child care and a sales office for the Ryan company currently building in Lake Park, etc.

Our community space is supposed to be for 50 people. It would be impossible to seat 50 people for a wedding reception or set table space for games or a dinner. We are limited in what we can provide in community events.

Our city (yes we are a city) is totally land locked. We cannot hope for someone to come in and provide for our citizens. We, the Village, must be prepared to accept this responsibility of providing for our citizens and staff.

Although as small as we are we need to evaluate our needs and provide as best we can for our citizens and employees.

We need adequate office space for our staff to efficiently carry out the business of the city.

We need adequate storage space to maintain our records.

We need space for our mayor.

We need adequate office space for our deputies and possibly a future code enforcement officer.

We need adequate community meeting space for 100 or more people.

We need adequate storage space for our tables and chairs for the community room. We currently store our tables in the ladies room and our chairs stacked in the corner of the community room. That is neither adequate nor healthy.

We need storage space for Parks & Rec equipment, banners and lights.

Our Village has no other adequate meeting space available for community activities for our citizens.

I believe it is time for the council to address our needs by renovating existing space and adding an addition to our community center to make it the Lake Park Municipal Offices and Community Center.

September 9, 2008

Jo Waybright
Co-Chair Parks and Rec Commission

Mayor Kendall Spence and Jo Waybright met with three architectural firms and two general contractors to discuss the feasibility of an addition to the community center. Quotes to do a feasibility study and design drawings varied. Mayor Spence will go back to the architectural firms for additional information to be able to compare apples to apples and determine how to proceed. If we proceed with the addition, anything over \$300,000 has to go out for formal bids according to G.S. 143-129, that is, for contracts which a request for bids must be advertised, sealed bids must be received, and the contract must be awarded as prescribed by law.

Greg Crosby has received the repaired controller for the clock tower. One of the clock face motors is blown and will need to be replaced. In order to help prevent being hit by lightning, the controller would need to be moved to the clock tower and have a surge suppressor installed.

STORMWATER: Mayor Kendall Spence stated that both the Town of Indian Trail and Eagle Engineering have opted to not be the stormwater administrator for the VOLP. We currently have a stormwater issue that needs to be addressed on Denise Drive. Ken Swain requested that a copy of the stormwater easement be forwarded to him for review.

The FEMA Floodwater Maps have to be approved by ordinance by the middle of October. Ken Swain has been waiting on a formal response from FEMA on how to proceed. To insure that the VOLP is covered either way, a Public Hearing will be held prior to the October Council meeting. Lee Jensen with Union County will be here to discuss the maps

and present the Union County ordinance. Sandy Coughlin made the motion to have a public hearing on the proposed Flood Damage Prevention Ordinance and adoption of flood maps. Clint Newton seconded the motion. Vote – Unanimous.

STREET BUSINESS: Mayor Kendall Spence discussed the two unfinished Cypress Homes structures. Ken Swain will look into the matter to determine if they are in foreclosure or bankruptcy. Depending on Cypress Homes status, perhaps abatement under public safety is possible. The cost to abate can be placed on the tax parcels. Mayor Kendall Spence will take pictures of the properties and e-mail them to Ken Swain.

The LakePark Townhome Association (LPTA) requested an easement across Dill Alley to install an irrigation line for the townhomes. The area would be restored to its' previous condition upon completion of the work. Clint Newton made the motion to allow an easement to the LPTA across Dill Alley to install an irrigation line. Greg Crosby seconded the motion. Vote – passed four in favor. As president of the LPTA, Sandy Coughlin did not vote but had presented and approved the request.

ECONOMIC DEVELOPMENT: The Economic Development Commission will have the final tallies of the surveys next month. The days are numbered for the Town Center sign on Indian Trail Unionville Road and unless Council approves the relocation of the sign for a common area, the \$5,000 sign which has been offered to the Village at no charge, for use as Council sees fit, and for support of both resident and professional benefits, may be lost to the Village, and disposed of in the near future. The blades on the Town Center signage could be added to promote events at the academy, Fourth of July celebration, Girls on the Run etc. The Ryan Home sign has been relocated to the vacant lot in Brittany Downs across from the VOLP. The Economic Development Commission is currently exploring a similar option for the town center sign but may ask Council to reconsider the Lake Park Road wooded corner, if that attempt fails.

There have been two recent inquiries concerning business development in the Town Center, and if either becomes viable, the EDC will advise Council.

SET AGENDA FOR OCTOBER 14, 2008: Add: FEMA Flood Damage Prevention Ordinance and adoption of flood maps.

COUNCIL COMMENTS:

Clint Newton thanked Ken Swain for his dedication to the Village of Lake Park and for all that he does for citizens.

Mayor Kendall Spence plans to follow up with Scott Cole with DOT with traffic concerns.

ADJOURN: Sandy Coughlin made a motion to adjourn the meeting. Clint Newton seconded the motion. Vote – Unanimous.

Respectfully submitted,

Mayor Kendall Spence

Village Clerk, Cheri Clark